IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 28341 of 2007(Y)

SM.12/1980 of LAND TRIBUNAL, TRIVANDRUM
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PETITIONER:

FATHIMA, W/O.LATE P.M.ABDUL KAREEM,
AGED 76, THEKKEVILA HOUSE,EDAVA,THIRUVANANTHAPURAM

BY ADV. SRI.M.BALAGOVINDAN
SRI.T.K.ANANDA PADMANABHAN
SRI.M.R.SASITH

RESPONDENTS:
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1. LAND TRIBUNAL,
OFFICE OF THE LAND TRIBUNAL, THIRUVANANTHAPURAM.

2. SMT. SETHU AMMA,
CHENGAZHASSERY HOUSE, THYCAUD VILLAGE,
JAGATHY, THIRUVANANTHAPURAM.

3. R. PREMCHAND,
S/O. LATE K.P.RAMACHANDRAN NAIR, WORKING AS
MASTER MARINER, 'SETHU', POOJAPPURA, THIRUMALA
VILLAGE, THIRUVANANTHAPURAM.

4. R. REMA,
'SETHU', POOJAPPURA, THIRUMALA VILLAGE,
THIRUVANANTHAPURAM.

5. R. MOHANCHAND,
SETHU', POOJAPPURA, THIRUMALA VILLAGE,
THIRUVANANTHAPURAM.

6. MR. MAHESH, S/O. S.K.MANOHARAN,
K.N.P. SADANAM, T.C.3/134, PARUTHIPPARA,
THIRUVANANTHAPURAM.

7. SRI.K.V.SURESH BABU,
S/O. KESAVA PANICKER, CHARUMKUZHI HOUSE,
VELLARADA VILLAGE, NEYYATTINKARA TALUK,
VELLARADA POST, THIRUVANANTHAPURAM.

8. SRI. RAJESH JANARDHANA SHARMA,
SREE VARAHATH, T.C.36/1482, SREE NARAYANA VEETTIL,
MUTTATHARA VILLAGE, THIRUVANANTHAPURAM TALUK,
MANACAUD POST, THIRUVANANTHAPURAM.

9. SRI. GEORGE VARGHESE, S/O.T.VARGHESE,
PHILIPS HILLIL, KUMARAPURAM POST,
THIRUVANANTHAPURAM TALUK.

10. ELSIE PRAVEEN, D/O. AMMINI KURIAN,
T.C.31/503(1), SREEKAILAS, CHAKAI, NEAR RAILWAY
OVER BRIDGE, PETTA POST.

11. T.K. THOMAS,
ADVOCATE RECEIVER, VANCHIOOR,THIRUVANANTHAPURAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 28341 OF 2007

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Dated this the 25th day of September, 2007.

J U D G M E N T

This writ petition is filed to set aside Exts.P6 and P7 and for other reliefs. Ext.P6 is an order passed by the Land Tribunal with respect to the assignment of certain lands under the provisions of the Kerala Land Reforms Act. Ext.P7 is a certificate of purchase issued on the strength of Ext.P6. Now, the learned counsel for the writ petitioner submits that both these documents are invalid in the eye of law and they have to be quashed by invoking the power under Section 227 of the Constitution of India.

2. At the out set I may like to point out that S.102 of the K.L.R. Act provides a remedy for the party against the order passed by a Land Tribunal. Secondly, there are decisions of this Court which hold the view that without an independent notice send under S.72F(3) of the K.L.R. Act, the said order may not be binding on that party. Thirdly, if the certificate of purchase obtained is vitiated by fraud then

the remedy is provided by the decision reported in **Velappan v. Thomas (1979 KLT 412).** This Court exercising the jurisdiction under Section 227 of the Constitution of India cannot decide the matter without looking into the factual aspects which requires in depth enquiry. Therefore, leaving open the right to the writ petitioner to challenge the order in appropriate proceedings or raising the contention that it is not binding on him, the writ petition is disposed of.

M.N. KRISHNAN, JUDGE.

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